

***United States District Court***  
***Eastern District of North Carolina***

OXFORD HOUSE, INC., DAVID  
DAISELY, RAYMOND TROY, and  
HAROLD LAING,  
Plaintiffs,

v.

CITY OF WILMINGTON, NORTH  
CAROLINA,  
Defendant.

**Judgment in a Civil Case**  
Case Number: 7:04-CV-134-FL(1)

**X Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED, ADJUDGED AND DECREED that (1)The Order of magistrate judge granting defendant's motion for leave to file an amended answer is AFFIRMED; (2)Plaintiffs' reasonable accommodation claim with respect to the BOA's denial of a reasonable accommodation in the form of a variance to operate OH-Camden and OH-Market as group homes supportive medium in violation of the separation requirement of Zoning Code 18-287 is DISMISSED WITH PREJUDICE as precluded by *res judicata*; (3) Plaintiffs' reasonable accommodation claim with respect to the City's denial of their applications to operate OH-Camden and OH-Market as group homes supportive large is DISMISSED WITHOUT PREJUDICE as not yet ripened; (4)With respect to plaintiffs' facial challenge to the validity of Zoning Code 18-286(b), ( c ) & (d), plaintiffs' motion for summary judgment is GRANTED, and defendant's motion for summary judgment is DENIED. The court DECLARES these provisions invalid and to be of no further force and effect pursuant to 42 U.S.C. 3615; (5)With respect to the remainder of plaintiffs' statutory and constitutional claims, plaintiffs' motion for summary judgment is DENIED, and defendant's motion for summary judgment is GRANTED; (6)Plaintiffs' motion in limine is DENIED; and (7)Plaintiffs' motion to strike is DENIED. The clerk is DIRECTED to enter judgment consistent with the foregoing order and to CLOSE this case.

SO ORDERED: Louise W. Flanagan, Chief United States District Judge

JUDGMENT FILED AND ENTERED THIS 25<sup>th</sup> DAY OF MAY 2006, AND COPIES MAILED TO:

Gregory A. Heafner  
308 West Rosemary St.  
Suite 303  
Chapel Hill, NC 27516

Dolores M. Williams  
P. O. Box 1810  
Wilmington, NC 28402-1810

G. Nicholas Herman  
1829 E. Franklin St.  
Suite 800-A  
Chapel Hill, NC 27514

Michael B. Brough  
1829 E. Franklin St.  
Suite 800-A  
Chapel Hill, NC 27514

May 25, 2006

MICHAEL BROOKS, ACTING CLERK

  
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(by) Deputy Clerk